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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/681,866	06/19/2001	Brian D. Franz	03DV-9088	7242
23465	7590	05/14/2002		
JOHN S. BEULICK C/O ARMSTRONG TEASDALE, LLP ONE METROPOLITAN SQUARE SUITE 2600 ST LOUIS, MO 63102-2740			EXAMINER LE, DANG D	
			ART UNIT	PAPER NUMBER

2834

DATE MAILED: 05/14/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/681,866	FRANZ ET AL.
	Examiner	Art Unit
	Dang D Le	2834

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on 03 April 2002.

2a) This action is **FINAL**.      2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) Claim(s) 1-22 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-22 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All   b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____	6) <input type="checkbox"/> Other: _____

## DETAILED ACTION

### ***Response to Arguments***

1. Applicant's arguments filed 4/3/02 have been fully considered but they are not persuasive. During patent examination, the pending claims must be "given the broadest reasonable interpretation consistent with the specification." Applicant always has the opportunity to amend the claims during prosecution and broad interpretation by the examiner reduces the possibility that the claim, once issued, will be interpreted more broadly than is justified. *In re Prater*, 162 USPQ 541, 550 - 51 (CCPA 1969). In the present application, all of the claims are open-ended claims.

Regarding claims 7 and 13, in response to the applicant's argument that "Morgan et al. describe a motor housing having a generally cup shaped configuration." It is noted that in the art of motor and generator the cup shaped motor housing can be identified as the end shield (3 in U. S. Pat. No. 5,861,689 issued to Snider et al., Figure 4, column 3, line 29) or the end bell 15 in U.S. Pat. No. 3,167,676 issued to Fuller et al., Figure 1, column 2, line 11). In addition, the end shield recited in the open-ended claims may further comprise "an integrally cylindrical portion for covering the motor". Therefore, element (60) of Morgan et al. can be identified as an end shield because it does shield the left end of the motor while cover the entire motor.

It is further noted that the applicant also shows the end shield having a generally cup shaped configuration in Figure 2.

As a result, the rejection is deemed proper and repeated herein.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless —

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in—

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

3. Claims 1 and 18 are still rejected under 35 U.S.C. 102(b) as being anticipated by Daniels (U. S. Patent No. 5,357,161).

Regarding claim 1, Daniels shows an endshield (15) for an electric motor (Figure 1), said end shield (15) comprising:

- A body (27, Figure 1); and
- A capacitor cover (49) integral with said body (a wheel can be said to be integral with an axle when connected together although they are separate components) and extending radially outward from said body (Figure 2).

Regarding claim 18, this claim is a method claim which is inherent given the apparatus of Daniels.

4. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Takekoshi et al. (5,097,168).

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Regarding claim 1, Takekoshi et al. show an endshield (Figure 2) for an electric motor, said end shield comprising:

- A body (62); and
- A capacitor cover (58, portion covering capacitor 53) integral with said body (62) and extending radially outward from said body (62, Figure 2).

5. Claim 1 is rejected under 35 U.S.C. 102(e) as being anticipated by Burns (6,177,740).

Regarding claim 1, Burn shows an endshield (Figure 1) for an electric motor, said end shield comprising:

- A body (42); and
- A capacitor cover (right portion from 42 covering capacitor 56) integral with said body (42) and extending radially outward from said body (42).

6. Claims 1, 3-5 and 18-21 are rejected under 35 U.S.C. 102(b) as being anticipated by Iwasa et al. (5,548,169).

Regarding claim 1, Iwasa et al. show an endshield (Figure 1) for an electric motor, said end shield comprising:

- A body (8a); and
- A capacitor cover (portion between 5 and 8a) integral with said body and extending radially outward from said body (Figure 1).

Regarding claim 3, it is noted that Iwasa et al. also show said capacitor cover comprising a partially spherical wall (5) extending from said body.

Regarding claim 4, it is noted that Iwasa et al. also show said capacitor cover further comprising a wall (5) extending from said body and a top (portion between 5 and 8a) extending from said body, said top connected to said wall.

Regarding claim 5, it is noted that Iwasa et al. also show said wall (5) comprising a first wall portion (left portion of 5) extending from said body, a second wall portion (right portion of 5) extending from said body and a third wall portion (center of 5), said third wall portion connecting said first wall portion and said second wall portion.

Regarding claim 18, this claim is a method claim which is inherent given the apparatus of Iwasa et al. with terminals 11i and 11j.

Regarding claim 19, it is noted that Iwasa et al. also show said capacitor cover comprising a top extending from said body, a first wall portion extending from said body, a second wall portion extending from said body and a third wall portion, said third wall portion connecting said first wall portion and said second wall portion.

Regarding claim 20, it is noted that Iwasa et al. also show a plurality of wires (11i and 11j) and the capacitor cover covering the capacitor wires.

Regarding claim 21, it is noted that Iwasa et al. also show that wherein mounting the endshield to the motor housing further comprises mounting the endshield to the motor housing such that the terminals and wires are covered and within UL requirements.

7. Claims 7 and 10-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Morgan et al. (U. S. Patent No. 5,834,869).

Regarding claim 7, Morgan et al. show an endshield (60) for an electric motor, said end shield comprising:

- A body (64); and
- At least one mounting ear (Figure 5) extending from said body, said at least one mounting ear having a slot.

Regarding claim 10, it is noted that Morgan et al. also show said endshield comprising a plurality of mounting ears (two) each having a slot.

Regarding claim 11, it is noted that Morgan et al. also show said plurality of slots pointing in generally the same circumferential direction.

Regarding claim 12, it is noted that Morgan et al. also show said at least one mounting ear further comprising a recess sized to receive a fastener (Figure 1 and 5).

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 2 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Iwasa et al. in view of Kuribayashi et al.

Regarding claim 2, Iwasa et al. show all of the limitations of the claimed invention except for said body further comprising at least one mounting ear extending from said body, said at least one mounting ear having a slot.

Kuribayashi et al. show said body further comprising at least one mounting ear (16, 21) extending from said body, said at least one mounting ear having a slot (22) for the purpose of providing a mechanical connection.

Since Iwasa et al. and Kuribayashi et al. are all from the same field of endeavor; the purpose disclosed by one inventor would have been recognized in the pertinent art of the others.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to make the body with at least one mounting ear extending from said body, said at least one mounting ear having a slot as taught by Kuribayashi et al. for the purpose discussed above.

Regarding claim 6, it is noted that Kuribayashi et al. also show said at least one mounting ear (16, 21) further comprising a recess sized to receive a fastener (14).

10. Claims 8, 9 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morgan et al. in view of Ochi et al. (U. S. Patent No. 4,945,272).

Regarding claim 8, Morgan et al. show all of the limitations of the claimed invention except for said at least one mounting ear further comprising an opening extending therethrough and a first side, said slot extending through said mounting ear from said opening through said first side.

Ochi et al. show said at least one mounting ear (21b, Figure 2) further comprising an opening extending therethrough and a first side (left side), said slot extending through said mounting ear from said opening through said first side for the purpose of making mounting easily.

Since Morgan et al. and Ochi et al. are all from the same field of endeavor, the purpose disclosed by one inventor would have been recognized in the pertinent art of the others.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to include in the at least one mounting ear with an opening extending therethrough and a first side, and to extend the slot through said mounting ear from said opening through said first side as taught by Ochi et al. for the purpose discussed above.

Regarding claim 9, it is noted that Ochi et al. also show said at least one mounting ear generally c-shaped.

Regarding claim 13, this claim is a combination of claims 7 and 8. Therefore, claim 13 is rejected as discussed above.

11. Claims 14-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Iwasa et al. in view of Kuribayashi et al.

Regarding claim 14, Iwasa et al. show an electric motor assembly (Figure 1) comprising:

- A motor housing (4);
- A stator (2) mounted in said housing and comprising a bore therethrough, said stator having at least one main winding and at least one auxiliary winding (column 3, line 22);
- A rotor core rotatably mounted in said housing and extending through said stator bore (3);

- A capacitor (11) in series with said auxiliary winding; and
- An endshield connected to said housing, said endshield comprising a body (8a).

Iwasa et al. do not show the endshield comprising at least one mounting ear extending from said body, said at least one mounting ear having a slot extending completely therethrough.

Kuribayashi et al. show the endshield (Figures 5 and 7) comprising at least one mounting ear extending from said body, said at least one mounting ear having a slot extending completely therethrough for the purpose of proving a mechanical connection.

Since Iwasa et al. and Kuribayashi et al. are all from the same field of endeavor; the purpose disclosed by one inventor would have been recognized in the pertinent art of the others.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to make the endshield with at least one mounting ear extending from said body, said at least one mounting ear having a slot extending completely therethrough as taught by Kuribayashi et al. for the purpose discussed above.

Regarding claim 15, it is noted that Iwasa et al. also show said endshield further comprising a capacitor cover (portion between 5 and 8a) extending from said body.

Regarding claim 16, it is noted that Iwasa et al. also show said capacitor cover comprising a top extending from said body, a first wall portion extending from said body,

a second wall portion extending from said body and a third wall portion, said third wall portion connecting said first wall portion and said second wall portion.

Regarding claim 17, It is noted that Kuribayashi et al. also show said at least one mounting ear further comprising a front face (left, Figure 7), a back face (right), an opening extending therethrough and a first side (round edge near 22), said opening extending through said front face and said back face, said slot extending through said mounting ear from said opening through said first side.

12. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Morgan et al. in view of Jensen et al.

Regarding claim 22, Morgan et al. show all of the limitations of the claimed invention except for a capacitor cover extending radially outward from the body.

Jensen et al. show a capacitor cover (20) extending radially outward from the body (17) for the purpose of making a capacitor-start motor.

Since Morgan et al. and Jensen et al. are all from the same field of endeavor; the purpose disclosed by one inventor would have been recognized in the pertinent art of the others.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to extend a capacitor cover radially outward from the body as taught by Jensen et al. for the purpose discussed above.

### ***Conclusion***

13. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

***Information on How to Contact USPTO***

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dang D Le whose telephone number is (703) 305-0156. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nestor Ramirez can be reached on (703) 308-1371. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7382 for regular communications and (703) 308-7382 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1782.

DDL  
May 9, 2002



  
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